

REMARKS

In response to the Official Action dated 03 / 19 / 03, the above-identified application has been amended. Review and reconsideration are requested in view of the above amendments and following remarks.

Section 103(a) Rejection

The Examiner rejected claims 1-9 and 14-16 under 35 U.S.C 103(a) as being unpatentable over Rein (4,679,796) as a sesquipedalian is merely a thing as covered in Rein's specification and that the inclusion of an answer, clues, scoring, etc... are merely necessary elements of the game.

By the very nature of this application, the type of game is narrowed to a specific type of game, a sesquipedalian. The common dictionary definition provides this narrowing of the scope of the patent.

We would also argue the Rein did not anticipate the scope of this application. In Rein's claims he refers to a problem to be solved and by his specification and illustrations indicates that his game is one in which the problem must be visual, have information missing that must be filled in to correctly solve the game. Neither of these is true with the present application. No visual means is required however it is helpful and all the information necessary to solve the problem is available in the players knowledge or the help provided in the clues.

The other similarities such as a scoring scheme, a place to record the score, etc... are common to all games and do not present new material but merely those pieces necessary to have a game.

The Examiner rejected claims 1-16 under 35 U.S.C 103(a) as being unpatentable over Schlegel (4,315,627) as a sesquipedalian is merely a different subject for a game and that the

accouterments of a board game such as a board, a path, dice, etc... are common and variations on these are obvious.

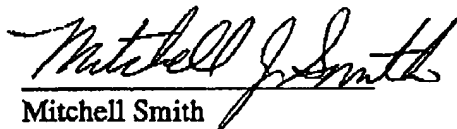
Similar to the objection provided by Rein, we submit that this application covers only a game utilizing a sesquipedalian as defined by the common dictionary definition. Schlegel claims the game apparatus which we submit is not unique to this application. Schlegel claims a game that has as its "problem to be solved" the identification of a well-known public figure using characteristics of the person(s) to be identified. We similarly have a very narrow focus of the game (we admit the method and apparatus for play is not unique) to the sesquipedalian as the "problem to be solved"

CONCLUSION:

The undersigned has made a diligent effort to amend the application as required to overcome the objections of the examiner. *If, for any reason the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 707.03(d) in order that the application be placed in allowable condition as soon as possible and without the need for further proceedings.*

Accordingly, withdrawal of the rejections is respectfully requested and allowance of claims 1-10 is requested at as early a date as possible. This is intended to be a complete response to the Office Action dated 03 / 19/ 03.

Respectfully submitted,


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Certificate of Mailing

~~I hereby certify that this Amendment is being deposited with the United States Postal Service in an envelope addressed to the Commissioner of Patent and Trademarks, Washington, D.C. 20231 with sufficient first class postage thereon on the date shown below.~~

~~Date. _____~~

~~Mitchell Smith~~